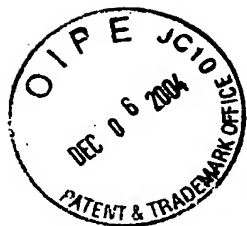


3763 F12



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:
Tracee E.J. Eidenschink

Serial No.: 10/034,448

Filed: December 28, 2001

For: Hypotube with Improved Strain Relief

Group Art Unit: 3763

Examiner: Roz Majorino

I hereby certify that this paper and the documents referred to as enclosed therewith are being deposited with the United States Postal Service as first class mail, postage prepaid, on **December 2, 2004**, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

Michael R. Hull
Reg. No. 35,902
Attorney for Applicants

RESPONSE TO OFFICE ACTION MAILED ON NOVEMBER 17, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Commissioner:

Applicant takes issue with the Patent Office's position that newly amended claims 1, 20, 52 and 64 are directed to an invention that is independent or distinct from the invention as originally claimed. Specifically, in response to the previous restriction requirement, applicant elected Group I (claims 1-40, 52-58 and 64-70) and Species A (Figs. 1-2).

In the amendment mailed on August 9, 2004, the Patent Office takes issues with applicant's amendment to independent claims 1, 20, 52 and 64 which recites "the at least one slit extending at least partially and circumferentially around the tubular wall." The Patent Office takes the position that this term "is the same as [a] spiral cut, which the applicant had not elected as one of the species to be examined." Applicant respectfully disagrees.

Specifically, a slit extending at least partially and circumferentially around a tubular wall may, in fact, be a slit that is perpendicular to the axis of the tube as are the slits shown in Figs. 1 and 2 (Species A, the elected species). The slits 35, while

extending perpendicular to the axis of the tube, also extend circumferentially around the tubular wall. The added limitation does not require that the slits be of a spiral cut nature. These limitations cover spiral cuts as well as the cuts shown in Figs. 1 and 2. Further, applicants do not characterize the amended claims as being directed to spiral cuts in their arguments in support of the allowability of the amended claims.

An action on the merits of this application as presented in the amendment filed on August 9, 2004 is earnestly solicited. If the examiner has any further questions or comments in regard to this matter, the examiner is urged to telephone the undersigned at the number listed below. If the position as set forth in the office action of November 17, 2004 is maintained, applicant requests the scheduling of an early telephonic interview.

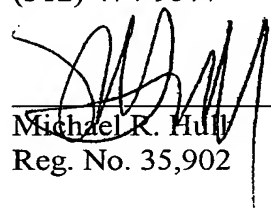
The Commissioner is authorized to charge any fee deficiency required by this paper, or credit any overpayment, to Deposit Account No. 13-2855.

Respectfully submitted,

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December 2, 2004

By:



Michael R. Hull
Reg. No. 35,902